FILED

JUN 17 2015

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	No.
WAYNE CARROLL MARTIN III,	)	**4:15CR286 RLW/NAB**
Defendant.	)	

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

1. On or about March 1, 2011, the Defendant WAYNE CARROLL MARTIN III and another individual who will be referred to herein as T.R. organized and registered with the Missouri Secretary of State Maverick Construction L.L.C. ("Maverick"), a Missouri limited liability company. Maverick was engaged in the construction business, including, in particular, cement work. MARTIN owned 49% of Maverick; T.R. owned the remaining 51%.

THE SCHEME

2. Beginning at least as early as March 4, 2011 and continuing through at least June 2, 2014, the defendant, WAYNE CARROLL MARTIN III, with the intent to defraud, devised a scheme to defraud T.R. by embezzling money from Maverick, through the use of material false representations, pretenses, and promises, both express and implied, and to thereby misappropriate and convert those funds to MARTIN's own personal use, including but not limited to the payment of personal expenses, the expenses of others, and gambling.

MANNER AND MEANS OF THE SCHEME

3. The manner and means of the scheme are further described as follows:

a. It was part of the scheme that MARTIN made false entries into the software utilized by Maverick to keep its books of account. For example, on one occasion, MARTIN falsely indicated in Maverick's books of account that approximately $14,000.00 of Maverick's assets were in gold, when MARTIN well and truly knew that he had not purchased any gold on behalf of Maverick and Maverick owned no such gold. It was further part of the scheme that MARTIN forged the signature of T.R. on applications for two loans to Maverick in the total amount of approximately $45,750.00. In neither case had T.R. authorized MARTIN to sign his name on his behalf. In neither case had MARTIN even notified T.R. of his intention to seek such loans.

b. It was further part of the scheme that MARTIN embezzled other funds of Maverick's by making unauthorized purchases and withdrawals using a company card.

c. As a part and result of the scheme, MARTIN caused an actual loss to Maverick of approximately $328,757.82.

COUNT I
(Wire Fraud)

4. Each of the allegations in Paragraphs 1 through 3 of this Indictment is hereby incorporated by reference as if fully set forth herein.

5. On or about December 5, 2013, in the Eastern District of Missouri and elsewhere, having devised the above-described scheme and artifice to defraud and to obtain money through material false and fraudulent pretenses, representations, and promises for the purpose of executing or attempting to execute that scheme, the Defendant

WAYNE CARROLL MARTIN III

did knowingly cause to be transmitted by means of wire and radio communication in interstate commerce a writing, to wit, an electronic funds transfer in the approximate amount of $42,000.00 from an account at Grandpoint Bank in Los Angeles, California to an account at US Bank in Troy, Missouri, which funds represented the proceeds of a loan MARTIN had obtained in part by forging of the signature of T.R. on a loan application.

In violation of Title 18, United States Code, Sections 1343 and 2.

FORFEITURE ALLEGATIONS

6. Pursuant to Title 18, United States Code, Section 981(a) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Section 1343 as set forth in Count I, the defendant shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to said offense.

7. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said offense.

8. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

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FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

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RICHARD E. FINNERAN, #60768MO
Assistant United States Attorney